

AMENDED IN SENATE JULY 2, 2007
AMENDED IN ASSEMBLY MAY 17, 2007
AMENDED IN ASSEMBLY APRIL 26, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 958

Introduced by Assembly Member Evans

February 22, 2007

An act to amend Section 26802.5 of the Government Code, ~~and to add Section 71.7.5 to the Harbors and Navigation Code~~, to amend Section 18092.7 of the Health and Safety Code, ~~and to amend Sections 7 and 14 of Chapter 1617 of the Statutes of 1982~~, relating to state and local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 958, as amended, Evans. State and local government.

~~Under~~

(1) *Under* existing law, the duties pertaining to elections are performed by the county elections official. However, in specified counties, the board of supervisors is authorized to appoint a registrar of voters to discharge all duties vested by law in the county clerk that relate to, and are part of, the election procedure.

This bill would extend this appointment authority to the County of Napa.

(2) *Existing law authorizes the Department of Boating and Waterways to enter into a loan agreement with the County of Sonoma for the planning, acquisition, construction, improvement, maintenance, or operation of the Spud Point Marina, and to renegotiate the terms of the loan with the County of Sonoma, with the advice and consent of the*

Boating and Waterways Commission, to solve the fiscal problems involving the marina, as specified.

This bill would authorize the County of Sonoma to provide facilities at the Spud Point Marina for commercial, recreational, or other vessels, as specified. The bill would also repeal certain requirements for the terms of the loan from the department.

The bill would make legislative findings and declarations as to the necessity of a special statute.

~~Under~~

(3) *Under existing law, the Department of Housing and Community Development is required to withhold the registration or transfer of registration of mobilehomes, manufactured homes, and floating homes that are subject to local property taxation, until it receives a tax clearance certificate or conditional tax clearance certificate from the person requesting the registration or change of registration.*

This bill would apply the requirement by deleting the condition that the homes be subject to local property taxation.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 26802.5 of the Government Code is
2 amended to read:

3 26802.5. In the Counties of El Dorado, Kings, Lake, Marin,
4 Merced, Monterey, Napa, Riverside, San Joaquin, Solano, and
5 Tulare, a registrar of voters may be appointed by the board of
6 supervisors in the same manner as other county officers are
7 appointed. In those counties, the county clerk is not ex officio
8 registrar of voters, and the registrar of voters shall discharge all
9 duties vested by law in the county elections official that relate to
10 and are a part of the election procedure.

11 SEC. 2. Section 71.7.5 is added to the Harbors and Navigation
12 Code, to read:

13 71.7.5. Notwithstanding any other provision of law, or any
14 contract or agreement to the contrary, Sonoma County may provide
15 facilities at the Spud Point Marina for commercial, recreational,
16 or other vessels, in numbers that it determines appropriate, subject
17 only to the following:

1 (a) Sonoma County shall maintain an advisory committee for
2 the Spud Point Marina, and shall give the advisory committee at
3 least 20 days notice before changing any berthing rates at the
4 Spud Point Marina, and shall consider, but is not obligated to
5 follow, any recommendations of the advisory committee.

6 (b) Sonoma County may establish different berthing rates and
7 any other charges for commercial, recreational, or other vessels,
8 if the board of supervisors determines that the differing rates or
9 charges are in the public interest, and if any loans from the
10 department are outstanding, are necessary to provide revenue to
11 repay those loans. However, if any loans are outstanding, berthing
12 rates at the Spud Point Marina shall not exceed the highest rates
13 charged for berthing within the market area surrounding the Spud
14 Point Marina.

15 ~~SEC. 2.~~

16 SEC. 3. Section 18092.7 of the Health and Safety Code is
17 amended to read:

18 18092.7. (a) The department shall withhold the registration
19 or transfer of registration of any manufactured home, mobilehome,
20 or floating home other than a new manufactured home,
21 mobilehome, or floating home for which application is being made
22 for an original registration, until the applicant presents a tax
23 clearance certificate or a conditional tax clearance certificate issued
24 pursuant to Section 2189.8 or 5832 of the Revenue and Taxation
25 Code by the tax collector of the county where the manufactured
26 home, mobilehome, or floating home is located. Any conditional
27 tax clearance certificate presented shall indicate that the tax liability
28 has been satisfied pursuant to paragraph (3) of subdivision (m) of
29 Section 18035.

30 (b) In lieu of the tax clearance certificate or conditional tax
31 clearance certificate required by subdivision (a), the department
32 may accept a certification signed by the escrow officer under
33 penalty of perjury that the tax collector of the county where the
34 manufactured home is located has failed to respond to the written
35 demand for a conditional tax clearance certificate as prescribed
36 by subdivision (l) of Section 18035.

37 SEC. 4. Section 7 of Chapter 1617 of the Statutes of 1982 is
38 amended to read:

39 Sec. 7. Item 3680-101-516 of the Budget Act of 1982 (Chapter
40 1617 of the Statutes of 1982) is amended to read:

1	3680-101-516—For local assistance, Department of Boating	
2	and Waterways, payable from the Harbors and Watercraft	
3	Revolving Fund	17,999,000
4	Schedule:	
5	(a) Launching facility grants.....	3,283,000
6	(1) Big Bear.....	270,000
7	(2) Discovery Park.....	85,000
8	(3) East Bay.....	105,000
9	(4) Elkhorn.....	100,000
10	(5) Eureka.....	350,000
11	(6) Floating restrooms.....	150,000
12	(7) Ramp repairs.....	100,000
13	(8) Lake Morena.....	350,000
14	(9) Lake San Antonio.....	500,000
15	(10) Morro Bay.....	313,000
16	(11) Moss Landing.....	375,000
17	(12) Oceanside.....	55,000
18	(13) Shelter Cove.....	280,000
19	(14) Vallejo.....	250,000
20	(b) Loans: Local Government.....	12,000,000
21	(1) Balboa Yacht Basin.....	2,500,000
22	(2) Diesel Street Mari-	
23	na.....	600,000
24	(3) Downtown Shore.....	600,000
25	(4) Martinez Marina.....	300,000
26	(5) Santa Cruz Harbor.....	600,000
27	(6) Planning loans.....	100,000
28	(7) Cabrillo Beach Mari-	
29	na.....	4,000,000
30	(8) Spud Point.....	3,200,000
31	(9) Emergency Storm Re-	
32	pairs.....	100,000
33	(c) Boating safety and enforcement.....	2,716,000
34	Provisions:	
35	1. The funds appropriated in category (b) are for loans	
36	to be made to cities, counties, or districts pursuant to	
37	Sections 70.2 and 71.4 of the Harbors and Navigation	
38	Code, Department of Boating and Waterways.	
39	2. The funds appropriated in category (a) are for grants	
40	to cities, counties, districts, or other public agencies	

pursuant to Section 72.5 of the Harbors and Navigation Code to be used for construction and development of small craft launching facilities.

3. The funds allocated for boating safety and enforcement programs are pursuant to Section 663.7 of the Harbors and Navigation Code.

4. The funds appropriated in category (b) (9) are for allocation by the Director of Finance to provide for repairs, authorized by the Director of Finance, of damage at small craft harbor facilities constructed pursuant to Sections 70.2, 71.4, and 72.5 of the Harbors and Navigation Code, caused by emergency conditions, including but not limited to, tidal waves or severe storms, and for payment of deficiencies in appropriations for the Department of Boating and Waterways which may be authorized by the Director of Finance; the sum of \$100,000 or so much thereof as may be necessary, is appropriated from the Harbors and Watercraft Revolving Fund.

5. No funds appropriated for the Eureka launching facility in category (a) (5) shall be encumbered or expended unless and until an environmental impact report is completed and approved for the project.

6. No more than \$1,400,000 appropriated for the Spud Point project by category (b) (8) shall be encumbered or expended unless and until the cash surplus in the Harbors and Watercraft Revolving Fund equals or exceeds \$100,000.

7. The funds appropriated in category (b) shall not be available for expenditure unless the Boating and Waterways Commission establishes the interest rate to be charged for 1982–83 fiscal year loans for public marina and harbor development at 7.9 percent.

8. ~~The funds appropriated for the Spud Point project by category (b) (8) shall not be encumbered or expended unless the loan agreement provides at least that:~~

~~(a) The County of Sonoma shall repay the loan in full;~~

~~(b) The County of Sonoma shall establish an advisory committee on the Spud Point Marina. The county~~

1 shall appoint at least 80 percent of the members
2 of the advisory committee from a list submitted
3 to it by an organization representing the majority
4 of the commercial fishermen who berth their
5 vessels in the marina.

6 (c) The County of Sonoma shall establish the berthing
7 rates for the marina annually after consulting the
8 advisory committee. Except as provided in para-
9 graph (d), the berthing rates shall not exceed three
10 dollars and fifty cents (\$3.50) (in 1982 dollars)
11 per linear foot per month in the first year of oper-
12 ation, shall not increase by more than 8 percent
13 per year in the first two years of operation or until
14 the marina is fully occupied, whichever occurs
15 first, and shall not increase more than 6 percent
16 per year thereafter for the life of the loan.

17 (d) In any year in which the advisory committee, by
18 a two-thirds vote of the entire membership, deter-
19 mines that a berthing rate higher than would be
20 established pursuant to paragraph (c) is necessary
21 to repay any loan or reimbursable grant from the
22 State of California, or to pay marina operation or
23 maintenance costs, or both, and recommends a
24 higher rate, the county shall establish a berthing
25 rate for that year not higher than the higher rate
26 recommended by the advisory committee.
27

28 *SEC. 5. Section 14 of Chapter 1617 of the Statutes of 1982 is*
29 *amended to read:*

30 Sec. 14. (a) The Legislature finds and declares that the
31 commercial fishing industry is involved with the public interest
32 and that it directly affects the public health and welfare by
33 providing food and jobs. The Legislature further finds and declares
34 that the Spud Point Marina project is necessary for the long-term
35 survival of the industry between San Francisco Bay and Fort Bragg,
36 an area that depends economically on the industry, and that
37 maximum cooperation and participation by state and local public
38 agencies is necessary to develop the marina.

1 ~~(b) If the County of Sonoma accepts a loan or reimbursable~~
2 ~~grant from the State of California for the Spud Point Marina~~
3 ~~project, the county shall repay it in full.~~

4 ~~SEC. 3.~~

5 SEC. 6. (a) Due to the unique circumstances of the County of
6 Napa with respect to the registrar of voters, the Legislature hereby
7 finds and declares that a general statute cannot be made applicable
8 within the meaning of Section 16 of Article IV of the California
9 Constitution. Therefore, the special legislation contained in Section
10 21 of this act is necessarily applicable only to the County of Napa.

11 (b) *The Legislature finds and declares that there are unique*
12 *circumstances concerning the need to provide the County of*
13 *Sonoma with the flexibility necessary to operate, manage, and*
14 *maintain the Spud Point Marina under changed and changing*
15 *circumstances recognized by the renegotiation of the loan contract*
16 *between the Department of Boating and Waterways and the County*
17 *of Sonoma, necessitating the enactment of the procedures contained*
18 *in this act. It is therefore declared that a general law cannot be*
19 *made applicable within the meaning of Section 16 of Article IV of*
20 *the Constitution, and that the special language contained in*
21 *Sections 2, 4, and 5 of this act are necessarily applicable only to*
22 *the County of Sonoma.*